



THE ATTORNEY GENERAL
OF TEXAS

JIM NATTON
ATTORNEY GENERAL

October 12, 1990

Mr. Robert E. Shaddock
General Counsel
State Department of Highways
and Public Transportation
DeWitt C. Greer State Highway Bldg.
11th & Brazos
Austin, Texas 78701-2483

OR90-491

Dear Mr. Shaddock:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10519.

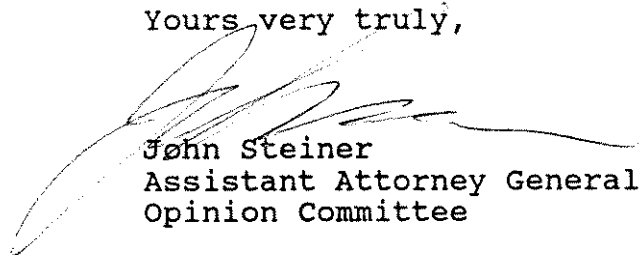
The State Department of Highways and Public Transportation (the department) received an open records request for information pertaining to a particular railroad crossing in Victoria County. We have considered the exception you claimed, specifically section 3(a)(3), and have reviewed the documents at issue. Section 3(a)(3) does not protect information that has been obtained by the parties to the litigation. See Open Records Decision Nos. 349, 320 (1982). Consequently, all correspondence between the department and the other parties to the litigation, as well as all of the department's other correspondence of which its party opponents have received copies, are not protected by section 3(a)(3); you must therefore release these types of documents.

You must also release copies of all "Texas Peace Officer's Accident Reports" pursuant to section 47 of V.T.C.S. article 6701d; these reports are not protected by section 3(a)(3). Open Records Decision No. 43 (1974) (copy enclosed). You may, however, withhold the remaining records pursuant to section 3(a)(3) until such time that the opposing parties obtain them through discovery or court order.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR90-491.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/RWP/le

Ref.: ID# 10519

Enclosures: Open Records Decision No. 43

cc: Joseph S. Hinton
P.O. Box 92181
Houston, Texas 77206